

January 27, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Acting Secretary Scott de la Vega
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear President Biden and Acting Secretary de la Vega,

American energy independence shouldn't be a partisan issue. It's critical for our national security, American jobs, and the success of our economy. Efficiency and innovation have worked hand-in-hand to produce clean, affordable, reliable energy – from the combustion engine to the fracking revolution to the development of the next generation of clean fossil technologies like carbon capture, utilization, and storage. Rather than keeping the rest of the world beholden to dirtier fuels from less-than-ideal nations, American energy has been exported globally, rising to the status of one of the world's largest net exporters and bringing millions out of poverty.

We share your goals of the pursuit of clean, affordable, exportable energy. However, we are very concerned with the actions your Administration has already taken in its first few days in office – halting energy production on federal lands and stymying the development of critical energy infrastructure. Under your “Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis¹” (“EO”), you declare that protecting the environment and union jobs are important, yet you effectively canceled the Keystone XL pipeline, destroying 10,000 union jobs and cancelling one of the most technologically advanced and efficient pipelines designed to date.

The actions your Administration has taken to weaken U.S. energy independence and security and threaten American jobs only exacerbate the 107,000² lost in the oil and gas sector during the COVID-19 pandemic and subsequent economic crisis. For example, on January 20th, Acting Secretary of the Interior, Scott de la Vega, issued Secretarial Order 3395³ (“Order”) prohibiting oil and gas leasing and permitting on federal lands and waters for 60 days. According to a U.S. Department of Interior 2018 Economic Report, “Oil and gas produced from Interior [federal] lands and waters supported an estimated \$85.4 billion in value added, \$139 billion in economic

¹ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-public-health-and-environment-and-restoring-science-to-tackle-climate-crisis/>

² <https://www.houstonchronicle.com/business/energy/article/U-S-oil-and-gas-industry-lost-107-000-jobs-in-15633468.php#:~:text=in%20the%20pandemic-,Most%20will%20take%20years%20to%20return.,according%20to%20a%20new%20report.>

³ <https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3395-signed.pdf>

output, and 607,000 jobs.”⁴ Even a temporary moratorium is incredibly damaging to the American economy, global emissions, and union jobs.

While we understand that the Secretary has the authority to suspend delegation of authority, we are deeply concerned that the end result of this suspension will violate the Department’s statutory and regulatory mandates to perform actions that are solely within the purview of the Department, without undue delay.

As such, we respectfully ask that you respond, in writing, to the following questions:

1. How does the suspension of delegated authority, in your opinion, not violate the Department’s obligations to not cause delay under The Federal Land Policy and Management Act of 1976, National Environmental Protection Act, Outer Continental Shelf Lands Act, the Mining Law, and the Mineral Leasing Act.
2. Furthermore, what is the authority for an acting, non-Senate confirmed nominee to remove the Bureau’s ability to perform statutory mandates?
3. In the current Executive Order, as well as Secretary’s order 3395, new permitting and drilling are effectively paused because one or two appointees cannot possibly address the approvals necessary for oil and gas operations. Under the Mineral Leasing Act and Outer Continental Shelf Lands Act, as well as the Administrative Procedure Act, could you please explain the Secretary’s authority to pause drilling permits and execution of properly acquired leases?

Never Forget,

Dan Crenshaw

⁴ <https://www.doi.gov/sites/doi.gov/files/uploads/fy-2018-econ-report-final-9-30-19-v2.pdf>